

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF MARYLAND**

SHAWN JEFFERSON

v.

PEPSICO, INC.

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Civil No. – JFM-16-721

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**MEMORANDUM**

Plaintiff has filed this *pro se* action for employment discrimination. Defendant has filed a motion to dismiss or for summary judgment. The issues have been fully briefed. The motion will be granted.<sup>1</sup>

Plaintiff filed a previous case setting forth the same claims that he asserts in this action. *See Jefferson v. Pepsico, Inc.*, Civil Action No. 1:14-cv-01371-WDQ. Judge Quarles, to whom the case was assigned, ordered that plaintiff be required to pay one-half of the civil filing fees within 21 days. The order entered by Judge Quarles specifically warned that plaintiff's failure to pay the fee would result in dismissal of the complaint without notice and with prejudice.

The present case was instituted approximately two years after the EEOC issued its right-to-sue letter to plaintiff. An action for employment discrimination must be filed within 90 days of the receipt of the right-to-sue letter. Accordingly, this court lacks subject matter jurisdiction over this action.<sup>2</sup>

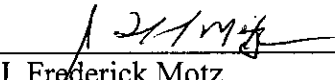
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<sup>1</sup> Because of a temporary imbalance in caseload, I am handling this case for Judge Hollander.

<sup>2</sup> It also appears that plaintiff, in return for the receipt of benefits, released any claims that he had against his employer. However, because this court lacks subject matter jurisdiction, I cannot reach that issue.

For these reasons defendant's motion to dismiss or for summary judgment will be treated as one to dismiss and, as such, will be granted.

Date: 9/13/16

  
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J. Frederick Motz  
United States District Judge

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DISTRICT OF MARYLAND  
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